

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
No. 1:23-CV-878**

DEMOCRACY NORTH CAROLINA; *et al.*,

Plaintiffs,

vs.

FRANCIS X. DELUCA, in his official capacity as CHAIR OF THE STATE BOARD OF ELECTIONS; STACY EGGERS IV, in his official capacity as SECRETARY OF THE STATE BOARD OF ELECTIONS; ROBERT RUCHO, in his official capacity as MEMBER OF THE STATE BOARD OF ELECTIONS; JEFF CARMON III, in his official capacity as MEMBER OF THE STATE BOARD OF ELECTIONS; SIOBHAN O'DUFFY MILLER, in her official capacity as MEMBER OF THE STATE BOARD OF ELECTIONS; SAM HAYES, in his official capacity as EXECUTIVE DIRECTOR OF THE STATE BOARD OF ELECTIONS; NORTH CAROLINA STATE BOARD OF ELECTIONS,

Defendants ¹

and

PHILIP E. BERGER, in his official capacity as PRESIDENT PRO TEMPORE OF THE NORTH CAROLINA SENATE, *et al.*,

Intervenor- Defendants.

**JOINT MOTION TO
MODIFY PRE-TRIAL
DEADLINES**

¹ Pursuant to Fed. R. Civ. P. 25(d), the following official capacity members of the State Board are no longer parties to this action as their terms expired on April 30, 2025 and they were not reappointed: Alan Hirsch and Kevin N. Lewis. The following official capacity members of the State Board were sworn in on May 7, 2025 and are automatically substituted into this action as parties: Francis X. De Luca and Robert Rucho. *See* State Board's May 7, 2025 Press Release, "New State Board Sworn In, Chairman Election, Executive Director Appointed, <https://www.ncsbe.gov/news/press-releases/2025/05/07/new-state-board-sworn-chairman-elected-executive-director-appointed>, last visited May 19, 2025.

Plaintiffs, State Board Defendants, and Legislative Defendants (collectively, the “Parties”) respectfully move the Court to modify the pre-trial deadlines set forth in its August 22, 2024, Notice of Hearing, [D.E. 95] (the “Notice”), for the submission of proposed findings of fact and conclusions of law, and pre-trial briefing.

Pursuant to the Notice, the current deadline for pre-trial briefing and proposed findings of fact and conclusions of law is July 14, 2025. The Parties believe that submitting proposed findings of fact and conclusions of law post-trial will result in more fulsome submissions and better aid the Court in resolution of the case. Therefore, the Parties request that the Court vacate the July 14, 2025, deadline for pre-trial proposed findings of fact and conclusions of law and instead set a post-trial deadline for proposed findings of fact and conclusions of law. The Parties suggest that the specific deadlines for post-trial findings of fact and conclusions of law be discussed during the final pre-trial conference noticed for July 22, 2025, or at the beginning of trial. *See* Notice of Hearing [D.E. 132]. Given the concurrent July 14, 2025, post-trial deadlines in the *Williams* redistricting case, the Parties also need additional time to complete fulsome pre-trial briefing. Therefore, the Parties request that the Court vacate the July 14, 2025, deadline for pre-trial briefing and instead set a modified deadline for briefing as July 25, 2025. None of these modifications will affect the deadline for pre-trial disclosures and corresponding objections, or the deadline for motions in limine and corresponding responses.

All Parties have conferred and join in this motion. The Parties respectfully request that the Court grant the modifications pertaining to deadlines for proposed findings of fact

and conclusions of law and pre-trial briefing described herein. A proposed order is submitted with this Motion.

Respectfully submitted, this the 30th day of May 2025.

/s/ Jeff Loperfido

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CERTIFICATE OF SERVICE

I hereby certify that on May 30, 2025, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send a notice of electronic filing to all parties of record.

/s/ Phillip J. Strach _____
Phillip J. Strach (NCSB # 29456)